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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 CHRISTOPHER MILLER,

9 Plaintiff,

v.

10 MARGARET GILBERT, et al.,

11 Defendants.

CASE NO. C16-5891 BHS

ORDER GRANTING PLAINTIFF'S  
MOTION TO APPOINT COUNSEL

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13 This matter comes before the Court on Plaintiff Christopher Miller's ("Miller")  
14 motion to appoint counsel. Dkt. 132.

15 On October 24, 2018, Miller filed the instant motion requesting counsel to help  
16 him prepare for trial and to possibly retain a medical expert. *Id.* On November 5, 2018,  
17 Defendants responded and opposed the request. Dkt. 133. On November 9, 2018, Miller  
18 replied. Dkt. 134.

19 In considering a motion to appoint counsel, the Court must evaluate both "the  
20 likelihood of success on the merits [and] the ability of the [plaintiff] to articulate his  
21 claims pro se in light of the complexity of the legal issues involved." *Wilborn v.*  
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1 *Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986) (quoting *Weygandt v. Look*, 718 F.2d  
2 952, 954 (9th Cir. 1983)).

3 In this case, the Court finds that counsel is appropriate at this stage of the  
4 proceeding. While Defendants are correct that Miller has adequately represented himself  
5 thus far, the Court agrees with Miller that preparing for trial and locating and/or retaining  
6 a medical expert significantly increases the complexity of his claims. Therefore, the  
7 Court **GRANTS** Miller's motion. The Clerk shall identify an attorney from the Court's  
8 Pro Bono Panel to represent Miller. After that, the Court will issue an order appointing  
9 the attorney.

10 **IT IS SO ORDERED.**

11 Dated this 3rd day of December, 2018.

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14 BENJAMIN H. SETTLE  
15 United States District Judge  
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